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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 FREDERICK AMBROSE WARE III,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL
15 SECURITY,

16 Defendant.

No. 2:21-cv-0203 AC

ORDER TO SHOW CAUSE

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18 Plaintiff filed a complaint February 2, 2021. ECF No. 1. On February 3, 2021, an order
19 was issued stating that the parties' consent/decline forms were due by May 7, 2021. ECF No. 3.
20 A minute order was issued staying the case pursuant to E.D. Cal. G.O. No. 615, except for service
21 of the complaint and submission of consent/decline forms. The date to submit consent/decline
22 forms has passed, and no forms have been filed. The court issued an Order to Show Cause on
23 May 12, 2021 informing plaintiff that if good cause was not shown for failure to serve defendant,
24 this case would be dismissed for failure to prosecute. ECF No. 5. A new consent/decline date
25 was set for June 16, 2021. Id. Plaintiff's counsel responded on May 21, 2021, stating that failure
26 to timely serve was in error, that the necessary documents had been submitted to a private process
27 server, and that a proof of service would be filed as soon as it was received. ECF No. 6. One

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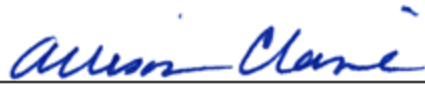
1 month later, no proof of service has been filed, the new consent/decline deadline has passed, and
2 no action has been taken in this case.

3 Local Rule 110 provides that failure to comply with court orders or the Local Rules “may
4 be grounds for imposition of any and all sanctions authorized by statute or Rule or within the
5 inherent power of the Court.”

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff is Ordered to Show Cause, in writing no later than July 1, 2021, why this action
8 should not be dismissed for failure to prosecute;
- 9 2. Plaintiff’s filing of a proof of service upon defendant will be deemed good cause shown;
- 10 3. The parties consent/decline forms shall be due August 11, 2021; and
- 11 4. If plaintiff fails to comply with this order, the case will be dismissed.

12 DATED: June 22, 2021

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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